

28W



PATENT  
ATTORNEY DOCKET NO. 040894-5971

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                               |   |                            |
|-------------------------------|---|----------------------------|
| In re Application of:         | ) |                            |
|                               | ) |                            |
| Takahiro YAMAGUCHI            | ) | Confirmation No.: 2509     |
|                               | ) |                            |
| Application No.: 10/699,345   | ) | Group Art Unit: 2627       |
|                               | ) |                            |
| Filed: November 3, 2003       | ) | Examiner: G. Patel         |
|                               | ) |                            |
| For: OPTICAL DISK REPRODUCING | ) | <b>Mail Stop Amendment</b> |
| APPARATUS AND METHOD FOR      | ) |                            |
| CONTROLLING SPINDLE MOTOR     | ) |                            |

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the *Ex Parte Quayle* Office Action dated August 1, 2006.

2. Additional papers enclosed:

- ☒ Drawings: ☒ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months<br/>Requested</u>     | <u>Fee for<br/>Extension</u> | <u>[Fee for Small<br/>Entity]</u> |
|---------------------------------------|------------------------------|-----------------------------------|
| <input type="checkbox"/> one month    | \$ 120.00                    | \$ 60.00                          |
| <input type="checkbox"/> two months   | \$ 450.00                    | \$ 225.00                         |
| <input type="checkbox"/> three months | \$ 1,020.00                  | \$ 510.00                         |
| <input type="checkbox"/> four months  | \$ 1,590.00                  | \$ 795.00                         |

Extension of time fee due with this request: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |   |       |                                |                  |               |            |
|---|---|-------|--------------------------------|------------------|---------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of    | Total Fees |
| Total Claims<br>(37 C.F.R. §1.16(c))                  | 8   | minus | 20                             |                  | x \$50 each=  | + \$       |
| Independent Claims<br>(37 C.F.R. §1.16(b))            | 3   | minus | 3                              |                  | x \$200 each= | + \$       |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$360.00      | + \$       |
| SUB-TOTAL =   |   |       |                                |                  |               | \$         |
| Reduction by ½ for filing by a small entity           |   |       |                                |                  |               | - \$       |
| TOTAL FEE =   |   |       |                                |                  |               | \$         |

6. Fee Payment

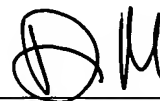
- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge \_\_\_\_\_ for  
\_\_\_\_\_ to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may  
be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any  
overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: August 30, 2006

By: \_\_\_\_\_



David B. Hardy  
Reg. No. 47,362

**Customer No. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000



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Commissioner for Patents  
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Alexandria, VA 22314

Sir:

**SUBMISSION OF FORMAL REPLACEMENT DRAWINGS**

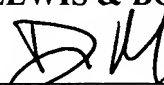
Filed herewith are four (4) sheets of formal drawings containing five (5) figures. It is requested that these drawings be substituted for the originally filed drawings. Applicant respectfully asserts that the replacement sheets of drawings contain no new matter.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: \_\_\_\_\_

  
David B. Hardy  
Reg. No. 47,362

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